

**Zoning Board of Appeals
Remote Participation, Zoom Video Conference Call
Meeting Minutes –July 19, 2023**

Members present: Chair John Lally, Michael McCusker and Linda Walsh

Staff Members Present: Zoning and Licensing Agent Karyn Flynn

The meeting was called to order by Chair John Lally at 7:00 pm. Ch. Lally gave a brief description of the proceedings, including a description of instructions for remote participation by the public. All those present for the meeting who anticipated giving testimony were sworn in.

Address: 153 Weatherbee Drive

Petitioner: Andrew Falkenstein

Project: Special Permit pursuant to the Westwood Zoning Bylaw Sections §4.3.3.12 [Accessory Uses – Accessory Apartments] and §8.5 [Accessory Apartments] and a Variance pursuant to Sections §10.4 [Variances], §5.2.3 [Table of Dimensional Requirements] and §8.5.6.5 [Exterior Stairs]. An Accessory Apartment Special Permit for the subject property was initially issued in 1998. The Building Commissioner has determined subsequent renovations including removal of private egress from the unit to the exterior and expanded square footage, has rendered the special permit null and void. The Petitioner is requesting a new Accessory Apartment Special Permit and has proposed renovations to make the unit conform to current bylaw requirements. Construction of exterior enclosed stairs to add a second egress to the exterior, will violate the side setback at 15' where 20' is required. The property is located in the Single Residence C (SRC) zoning.

Ch. Lally stated the applicant Andrew Falkenstein has requested to withdraw the application without prejudice.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the application withdrawal without prejudice for 153 Weatherbee Drive. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the application withdrawal without prejudice for 153 Weatherbee Drive.

Address: 710-722 High Street

Petitioner: Global Montello Group Corp, Lauren Sagaser

Project: Request for a One Year Special Permit Extension

The original special permit was granted pursuant to the Westwood Zoning Bylaw Sections §4.1.5.10 [Motor Vehicle Light Service facility] and §9.3.5.1 [Storage of Petroleum Products within the Water Resource Protection Overlay District]. The proposed redevelopment includes the merger of 710 and 722 High Street. The front and developed portions of the property are in the Local Business A (LBA) zoning district and the rear portions are in the Single Residence C (SRC) zoning district, the Flexible Multiple Use Overlay District (FMUOD 7), Water Resources Protection Overlay District (WRPOD), and Wireless Communications Overlay District (WCOD). Original special permit in the meeting materials

Ch. Lally stated that the applicant has submitted a written request to the Board for a One-year extension to their Special Permit granted on 7/21/2021 and recorded in the office of the Town clerk on August 3, 2021. The written request was submitted prior to original special permit lapsing date per the Board's regulations. The applicant states the reason for the Extension request is due to long lead times for materials and significant cost increases.

Ch. Lally asked Zach Poisson of Bohler Engineering to summarize the need for the extension. Mr. Poisson stated that near the tail end of 2021 materials costs skyrocketed along with long lead times and material shortages made started the project not feasible.

Mr. McCusker asked when is the estimated start date for the project. Mr. Poisson stated that he did not have that information and was hoping the applicant was going to be on the meeting, but they are on vacation. Mr. Poisson stated it will begin within the year. Mr. McCusker asked Ms. Flynn what the language is in the Special Permit regarding construction, do they just need to start with in the year. Ms. Flynn stated that construction must have started and be active within in the year. Ch. Lally asked Ms. Walsh if she had any questions and responded that she did not.

Ms. Walsh moved that the Westwood Zoning Board of Appeals grant the One Year Extension to the Special Permit issued on granted on July 21, 2021 and recorded in the Office of the Town Clerk on August 3, 2021, for 710-722 High Street pursuant to Westwood Zoning Bylaw Sections §4.1.5.10 [Motor Vehicle Light Service facility] and §9.3.5.1 [Storage of Petroleum Products within the Water Resource Protection Overlay District]. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously via roll call to grant the One Year Special Permit extension for 710-722 High Street.

Address: 745 High Street

Petitioner: Michael Sepinuck of Signarama

Project: Special Permit pursuant to the Westwood Zoning Bylaw Sections §6.2.15 [Signs-Special Permits]. The Petitioner proposes to add four window signs at a commercial establishment, which exceeds the maximum number allowable. The applicant is seeking relief for the four additional window signs pursuant to section §6.2.15. The property is located in the Local Business A (LBA) Zoning District.

Ch. Lally stated that this is a continuation of the public hearing from June 21, 2023. Ms. Flynn stated for the recorded Ms. Walsh watched the previous public hearing signed the required Mullin form and it was recorded in the office of the Town Clerk.

For those in the public this is a Special Permit pursuant to the Westwood Zoning Bylaw Sections §6.2.15 [Signs-Special Permits]. The Petitioner proposes to add four window signs at a commercial establishment, which exceeds the maximum number allowable. The applicant is seeking relief for the four additional window signs pursuant to section §6.2.15. The property is located in the Local Business A (LBA) Zoning District. Ch. Lally asked if the applicant is in attendance. Mr. Sepinuck stated that he was.

Ch. Lally asked for a summary of the reason for the special Permit. Mr. Sepinuck stated the need for the signs is advertising to let people know what they sell as the name doesn't make it clear.

Ch. Lally has anything changed with the signs, size etc. Mr. Sepinuck stated nothing has changed. Ch. Lally asked what is the hardship for the need for the signs. Mr. Sepinuck said the storefront is not very visible to the public, especially when there are vehicles parked in front of it. Other than that, is really to make it clear what the business sells. Ch. Lally asked that there is a total of four signs being requested, one on the door circular in nature with a 21-inch diameter, is that correct. Mr. Sepinuck said yes, that is really just the business' logo. Ch Lally stated three more banner signs on the windows that are seven inches high and vary in length from 48 inches to 58 inches, is that correct. Mr. Sepinuck stated it was correct. Ch. Lally asked if the additional signs would benefit the business. Mr. Sepinuck stated it would benefit his client's business. Ch. Lally asked if the size and mounting location was reasonable. Mr. Sepinuck answered that it would.

Ch. Lally asked if Mr. McCusker and Ms. Walsh if they had any questions. They both stated that they did not. Ms. Walsh stated that it was an oversight and that they are in good taste and represent the needs of the business. Ch. Lally asked if she thought the signs were reasonable in scale and design. Ms. Walsh stated very much so.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated there were no hands raised among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Mr. McCusker moved that the Westwood Zoning Board of Appeals grant the special permit for 745 High Street pursuant to the Westwood Zoning Bylaw Section §6.2.15 [Signs-Special Permits]. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the special permit for 745 High Street.

Address: 127 Pond Street

Petitioner: Domenick Rossi

Project: Special Permit pursuant to the Westwood Zoning Bylaw Sections §4.5.3.3 [Special Permit required for New or Expansion of Nonconformity]. The Petitioner proposes to remove an existing deck and construct a larger deck attached to a single-family residence at 21.2' from the rear lot line, where 30' is required. The existing deck is nonconforming and violates the rear setback at 26'. The existing nonconforming structure violates front, side and rear setbacks. The lot is nonconforming as it is lacking in area and frontage. The property is located in the Single Residence C (SRC) zoning.

Ch. Lally read the public hearing notice and asked if the applicant was in attendance. Domenick Rossi introduced himself. Ch. Lally asked that Mr. Rossi explain his project. Mr. Rossi said the current deck is not safe and the project is to replace the deck and make it bit large r to be more usable. It is a low deck and really can't be seen by neighbors. Ch. Lally asked if there will be stairs coming off the deck. Mr. Rossi stated they will be and they will remain in the same location as the existing deck. Ch. Lally asked what is the height of the deck. Mr. Rossi stated approximately 24 inches. Ch. Lally asked if there will be anything built over the deck. Mr. Rossi sated there would not. Only guard rails per code. Ch. Lally asked is it a wood deck. Mr. Rossi sated the deck is wood with composite decking and handrails. Ch. Lally how old is the existing deck. Mr. Rossi sated approximately 30 years old, and that there is currently plywood over it now for safety.

Ch. Lally then asked Ms. Walsh if she had any questions, and she stated that she did not. Ms. Walsh did ask the applicant if they had spoken to their neighbors. Ms. Feldman stated that they are all on this call. Ms. Flynn stated that when the Board gets to the public comment section we can let the neighbors into the hearing. Ms. Walsh stated she would wait for any more questions until that time.

Ch. Lally then asked Mr. McCusker if he had any questions, and he stated that he did. Mr. McCusker asked Mr. Rossi if the new deck stairs would be moving to a different location. Mr. Rossi stated they will remain in the same spot, but he will be redoing them.

Ch. Lally asked Ms. Flynn to open up the hearing to public comment. Ms. Flynn stated there were and elevated one neighbor at a time. Eileen Doherty typed in the Q & A that she lives at 22 Westview Terrace and has no problem with the project. Andrea Barret of 133 Pond Street typed in the Q & A they she did not have any problem with this. Edward Jacob's joined the call and stated that he and his wife Nancy live directly behind the applicants at 26 Westview Terrace and have no problem with the project. John Healey joined the call and stated he lives at 123 pond Street and is fully in favor of the project and hopes it goes the applicant much needed outdoor seating.

Ms. Feldman stated that she fell through the deck four years ago and the deck is in much worst repair. They are hoping to be able to have a table and chairs on the new deck.

Ms. Flynn stated that there were no more raised hands among the attendees and no comments in the Question & Answer queue. Ch. Lally declared the hearing closed.

Ch. Lally asked Mr. McCusker if he had any questions, and he stated that he did not. Ch. Lally then asked Ms. Walsh if she had any questions, and she asked the builder if he anticipated the need for any earth material to be moved. Mr. Rossi said no, its simple footings.

Ms. Walsh moved that the Westwood Zoning Board of Appeals grant the special permit for 127 Pond Street pursuant to the Westwood Zoning Bylaw Section §4.5.3.3 [Special Permit required for New or Expansion of Nonconformity]. The Motion was seconded by Mr. McCusker. Ch. Lally called a roll call vote; the Board voted unanimously via roll call grant the special permit for 127 Pond Street.

Vote to Approve Meeting Minutes

Ch. Lally stated that the minutes for June 21, 2023 meetings were completed and ready for approval.

Mr. McCusker moved that the Westwood Zoning Board of Appeals approve the meeting minutes from the June 21, 2023 meeting. The Motion was seconded by Ms. Walsh. Ch. Lally called a roll call vote; the Board voted unanimously in favor to approve meeting minutes from the June 21, 2023 meetings.

Vote to Adjourn Hearing

On a motion by Mr. McCusker, seconded by Ms. Walsh, the Board voted unanimously on a roll call vote to adjourn the meeting at 7:29 pm.

List of Documents:

153 Weatherbee Drive

- Zoning Board application; plans and associated attachments

710-722 High Street

- Zoning Board application; plans and associated attachment

745 High Street

- Zoning Board application; plans and associated attachments

127 Pond Street

- Zoning Board application; plans and associated attachments